

OFF-HIGHWAY MOTOR VEHICLE ACT

DPS # NM10162A



Objectives

- Determine when an OHV should be registered
- Provide information on how to register
- Know laws applying to juveniles
- Know how laws apply on public & private land
- Analyze OHV law for meaning & elements
- Form principles of application

Why Train?

- Newer Changes 2005 & 2009
- OHV violations are occurring statewide – in every enforcement jurisdiction. Officer need to be able to deter these violations and properly deal with violators.

Definitions

- **“Board”** means the off-highway vehicle Advisory Board
- **“Department”** means The Department of Game and Fish
- **“Division”** means the Motor Vehicle Division
- **“Fund”** means the Trail Safety Fund

Definitions

- **“Off-highway motor vehicle”** means a motor vehicle designed by the manufacturer for operation exclusively off the highway or roads, and includes
- **“all terrain vehicle”** which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less on three or more low pressure tires and having an seat designed to be straddled by the operator and handlebar-type steering control;

Definitions

- **“Off highway motor cycle”** means a motor vehicle traveling on not more than 2 tires and having a seat designed to be straddled by the operator and that has a handle bar type steering control
- **“snowmobile”** which means a motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low pressure tires;

Definitions

”recreational off-highway vehicle”, which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:

- a steering wheel for steering control
- non-straddle seating;
- maximum speed capability greater than thirty-five mph
- gross vehicle weight rating no greater than one thousand seven hundred and fifty pounds;

Recreational OHV cont.

- less than eighty inches in overall width, exclusive of accessories;
- engine displacement of less than one thousand cc's; and
- identification by means of a seventeen-character vehicle identification number; or

BASICALLY– Rhinos, Mules, or similar



How about a golf cart?

NO, it must meet all the requirements – Electric motor
or speed can exclude

Recreational OHV cont.

- by rule of the department, any other vehicle that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes;

Definitions cont.

- **“staging area”** means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and
- **“unpaved road”** means a dirt graveled street or road that is constructed, signed and maintained for regular passenger-car use by the general public.

Registration 66-3-1003

- A. “Unless exempted from the provisions of the Off-Highway Motor Vehicle Act, a person shall not operate an off-highway motor vehicle unless the Off-highway motor vehicle has been registered in accordance with Chapter 66, Article 3 NMSA 1978. The owner shall affix the validating sticker as provided for in Chapter 66, Article 3 NMSA1978.”

Requires all OHV's to be registered and/or permitted if operated on public land

No detailed requirement to have sticker visible but must display upon officer request

Residents vs. Non-residents

Residents

All OHV's used on public lands must be registered

The registration fee & permit fee is \$48

Registration must be renewed every 2 years or upon change of ownership

License plates will be phased out, but any plate will be valid until it expires

ADVANTAGE – Residents
Get a TITLE

Non-Residents

May get a 90 day permit for \$18

2 year permit – if unregistered in home state -\$48

Non-residents Do not get a title &

A title is not required to operate off-highway vehicle on public land

Out of State Allowances

- Non-residents in 32 states have the ability to operate here in New Mexico without purchasing an OHV non-resident permit if that person:
- *is currently in compliance with another state's off-highway vehicle registration, user fee or similar law or rule demonstrated by certificate of registration, permit or similar evidence...(66-3-1004.C NMSA 1978).*
- Operation on Public Lands requires:
- 1) OHV operator has OHV registration or current user fee (both are not needed)
- 2) OHV operator has proof of this that is current and valid.

States with **NO** Off-highway Fee

Alabama	Hawaii	Mississippi
South Carolina	West Virginia	Alaska
Illinois	Nebraska	South Dakota
Florida	Kansas	Nevada
Tennessee	Georgia	Kentucky
North Carolina	Virginia	

A non-resident with an OHV from one of these states must purchase either the 2 year non-registered permit sticker for \$48.00 or the 90 day permit sticker for \$18.00 prior to operate on New Mexico's public lands; or be in compliance with another state's similar program.

Can a person from Texas have a Colorado Off-Highway permit & ride in NM? **Yes**

Can a person from New Mexico have a Colorado Off-Highway permit & ride in NM? **Yes**

Registration & Permits

- Registration & permitting for residents done at MVD
- Non-resident permits will be sold at DGF



66-3-1005

Exemptions

- Act does not apply on private land
- OHV's operated by government
- Non-residents who use OHV in organized and endorsed competitions
- Brought in by manufactures and distributors and not used for demonstrations

66-3-1005

Exemptions

- In possession of dealers stock-in-trade and not used for demonstration purposes
- Used exclusively on private closed course
- Farm tractors, special mobile equipment or OHV's being used for agricultural operations

Agriculture Exemption

The exemption applies to:

- Any person (this would include juveniles as well as adults).
- Any OHV vehicle (regardless of type or size, including no requirements for spark arrestors, headlights, etc.).
- Any agriculture use (going to the feed store, checking livestock, farming, gardening, etc.).
- All of 66-3-1001 to 66-3-1020 NMSA 1978 (including operation on paved roads).

66-3-1006

Refusing Registration

- MVD can refuse to issue a certificate or title for OHV's under certain circumstances
- Done by MVD and should not affect field checks



66-3-1010

Licensing

- Drivers of OHV's do not have to be licensed

OHV SAFETY TRAINING & PERMITS

An off-highway motor vehicle safety training organization that offers and conducts an off-highway motor vehicle safety training course shall be approved and certified by the NMDGF.

Permits/Cards

ATV Safety Institute (ASI) & Dirt Bike School
Plus any **other State**, including training done
via INTERNET

66-3-1010.2

OHV Safety Permit Requirements

- Any person under 18 is required to have completed an OHV safety training course before operating on **PUBLIC LAND**
- They must have it with them and present them on demand

66-3-1010.3

Operation & Equipment

- Use this statute to cite a wide variety of violations
- A person shall not operate an OHV:
 - In a careless, reckless or negligent manner as to endanger the person or property of *another*
 - **Careless** is operating a vehicle in a careless, inattentive or imprudent manner without due regard for width, grade, curves, corners, traffic, weather, road conditions and all other attendant circumstances.

66-3-1010.3

Operation & Equipment

- **Reckless** is operating a vehicle carelessly and heedlessly in willful and wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property

66-3-1010.3

Operation & Equipment

- While under the influence as provided by 66-8-102 (DWI)
- While in pursuit of and with the intent to hunt or take a protected species unless authorized by the game commission

This **does not** mean that it is unlawful to use an ATV for transportation while hunting.

66-1010.3

- in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition
- On or within an earthen tank or other structure meant to water livestock or wildlife, unless the OHV is on a route designated by the landowner or land management agency as an OHV route
- In a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices
- In excess of 10mph within 200 feet of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling unless the person operating is on a closed track.

66-3-1010.3

Operation & Equipment

- Unless in possession of a registration certificate or permit
- Unless equipped with a spark arrestor
- In darkness without proper head and tail lights
- When produces noise over 96 decibels

66-1010.3

Operation and Equipment

- Where OHV traffic is prohibited under local, state, or federal rules or regulations

Any closed area or road
(USFS Travel management plan).

66-3-1010.3

Juveniles

- Under 18 shall not operate an OHV:
 - Or **ride on one** without wearing eye protection and a fastened safety helmet
 - Without an OHV safety certificate
 - While carrying a passenger



Juveniles and Passengers

- Have a higher Injury Rate when operating OHV

Can a juvenile under 18 operating an OHV have another kid as a passenger? **NO**

Have an adult as a passenger? **NO**

Have one of their parents as a passenger? **NO**

66-3-1010.3

Juveniles

- Under 18 but at least 10
 - Cannot operate an OHV unless visually supervised at all times by a person over 18 with a valid drivers license
 - Exempted from this are those 13 & over with a motorcycle license and OHV safety certificate
 - OR those over 15 with a DL, Instructional or provisional license and OHV safety certificate

66-3-1010.3

Juveniles

■ Under 10

- OHV must be age appropriate fit
- Visually supervised by **parent or guardian**
- Restrictions do not apply when part of an organized tour with a certified OHV guide



66-1010.3

E. An OHV shall not be sold or offered for sale if the vehicle produces noise that **exceeds 96 decibels**. This section does not apply to OHVs sold or offered for sale only for organized competitions

Anyone under 18 must have an OHV Safety permit to operate an OHV on Public Land

Over 6 & Under 10

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graph LR; A[Over 6 & Under 10] --> B[10-12]; B --> C[13-14]; C --> D[15-17];
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Rider has a OHV Safety Certificate and must be visually supervised at all times by a parent, legal guardian or instructor of a safety training course.

Only operate age appropriate size-fit ATV.

10-12

Rider has a OHV Safety Certificate and must be visually supervised at all times by a parent, legal guardian or a person over 18 with a valid DL

13-14

Rider has a OHV Safety Certificate and must be visually supervised at all times by a parent, legal guardian or a person over 18 with a valid DL
OR
Has a valid motorcycle license & OHV safety permit

15-17

Rider has a OHV Safety Certificate and must be visually supervised at all times by a parent, legal guardian or a person over 18 with a valid DL
OR
Has a valid driver's license, instructional permit or provisional license and OHV safety permit

66-3-1010.3

Operation & Equipment

- Remember, these operating restrictions only apply on public land.



OHV Regulations

- Title 18 Chapter 15 Part 3 deals with OHV Vehicle Safety Standards
- Approved Safety Certification
 - Permits issued prior to 1-1-07 are valid
 - Permits issued by other states are valid

Equipment Requirements 18.15.3.9

- Helmet must be certified with DOT symbol
- Eye Protection must be safety glasses or goggles and must be fastened securely
- Age Appropriate Fit
 - No one under 6 can operate on public land
 - Under 10, No greater than 100cc
 - 10-15, not greater than 250 cc
 - 14 & 15 with DL can ride up to 450 cc
 - 16 can ride over a 250cc OHV

Physical Fit Standard For ATV

- Override size fit cc designation
 - Clearance between seat and inseam while standing on foot pegs: 3-6 inches
 - Upper legs near horizontal when seated
 - Foot long enough to engage foot brake
 - Grip reach allows for operating without leaning to far forward
 - Throttle reach allows right hand to easily operate the throttle
 - Brake reach-fingers must go past brake handle

Acceptable Leg Position



Unacceptable Leg Position



Acceptable Foot Length



Unacceptable Foot Length



Acceptable Grip Reach



Unacceptable Grip Reach



Acceptable Brake Reach



Unacceptable Brake Reach



66-3-1010.5 Requirements of dealers to distribute safety info

Dealer selling OHVs shall distribute info provided by the department to OHV purchasers on the state's laws, environmental and cultural considerations, customs, safety requirements, training programs, operating characteristics and potential risk of injury associated with OHVs

66-3-1011

Operations on Streets & Highways

- Cannot operate on limited access highway or freeway
- On paved street or highway
- Exceptions
 - Can cross after coming to complete stop, yield to oncoming traffic, and cross in the most direct manner as close to perpendicular as possible

66-3-1011

Operations on Streets & Highways

- Shall not operate on Game Commission controlled or administered land
- On State Park land except as allowed by park regulations



66-3-1011

- Unless authorized, a person shall not Remove, deface or destroy any official sign installed by a state, federal, or local or private land management agency or install any OHV related sign.

66-3-1012 Driving OHV adjacent to highway

- A. An OHV with a validating sticker or non-resident permit may be driven adjacent to a highway if:
 - 1. They yield to other traffic
 - 2. Only do so to gain access or return from areas designed for OHV use
 - 3. Use the shortest possible route and there is no other route available.
 - 4. When an area adjacent to the highway is being used as a staging area.

MUST MEET ALL 4 TO BE ALLOWED

- B. When snow conditions permit they may be operated on the right hand side of the highway parallel but not closer than 10 feet to the inside of the plow bank

66-3-1013

Liability/Local Registration Prohibited

- Landowners not liable for damage arising from OHV accidents occurring on their land if they are not involved or receiving payment for use
- It is unlawful to operate an OHV on private land or roads except with permission

66-3-1014

Accidents and Reporting

- Accidents resulting in injury or death or damage to property over \$500 requires notifying a law enforcement agency.



66-3-1015

Enforcement

- Any peace officer in the state has authority to enforce the OHV Act
- Does not require that you have to be in uniform to enforce, must display badge of office - **FOLLOW YOUR DEPT POLICY**
- Law requires operator to provide registration, permit, proof of OHV training and ID
- Allows citations to be issued for violations

OHV Violation Hotline 800-366-4868



New Mexico Wildlife

[Home](#) [Recreation](#) [Apps & Permits](#) [Enforcement](#) [Conservation](#) [Education](#) [OHV](#) [Commission](#)

Buy Licenses Online


OHV

Laws and Rules

Registration

Safety Class

Site Map

NEW MEXICO

Off-Highway Vehicle Program



treadlightly!
ON LAND AND RIVER

Nonresident OHV permits are now available via the Department's Online License System. [Click here.](#)

Call the OHV Hotline at 1-800-366-4868 to report a violation.

Registration and Permitting of OHVs on Public Lands

New Mexico requires mandatory registration for all OHVs used on public lands. [Click here](#) for details. New Mexico requires all visitors from out of state to be permitted on public lands. [Click here](#) for this requirement.



OHV/ATV USER PERMIT

NEW MEXICO
Land of Enchantment

www.newmexico.org/OHV

Permit No. 01151

OHV riders must display either a permit or valid registration to officials

Safety Classes for Kids Mandatory

New Mexico requires anyone under 18 to obtain a safety permit prior to operating an OHV on public lands. [Click here](#) for details.



Young OHV rider being stopped at roadblock

OHV Management Plan

Goals and strategies for the implementation of the New Mexico Off-Highway Motor Vehicle Program. [Click here](#) to review the draft management plan.

OHV Compliance and Prohibitions

New Mexico is a state that has approximately 54% public lands. [Click here](#) for legal requirements.

OHV Advisory Board Meetings

NOTICE	AGENDA	MINUTES
Jan. 4, 2010	Jan. 4, 2010	Nov 18, 2009
Feb 3, 2010	Feb 3, 2010	Jan 4, 2010
	Mar 31, 2010	Feb. 3, 2010

66-3-1017

Advisory Board Created

- 1 landowner living near USFS/BLM
- 1 ag producer using public lands
- 1 OHV industry
- OHV user
- 1 hunter/angler
- 1 quiet recreationalist
- 1 expert in injury/prevention



66-3-1020 Penalties

- Violations of the OHV Act are penalty assessment misdemeanors (except DUI's)
- Traffic citations must be used



66-3-1020

- A parent, guardian or custodian who **causes or knowingly permits** a child under the age of eighteen years to operate an off-highway motor vehicle in violation of the provisions of the Off-Highway Motor Vehicle Act is in violation of that act and subject to the same penalty as the child operating the off-highway motor vehicle in violation of that act.

As used in the Off-Highway Motor Vehicle Act,
"penalty assessment misdemeanor" means violation of any
provision of the Off-Highway Motor Vehicle Act for which a
violation may be subject to the following:

- Class 1 Violations-list
- Class 2 Violations-list
- Class 3 Violations-list
- Class 4 Violations-list

Except DUI (66-8-102) –

(2) while under the influence of intoxicating liquor or drugs **as
provided by** Section 66-8-102 (SB 379 pg 8, lines 2-3)

■ Full misdemeanor or greater

Penalty Assessments

The penalty for second, third and subsequent violations within a three-year time period shall be increase as follows:

- a second violation in a class 1 penalty category involving failure to possess a registration certificate or nonresident permit shall be increased to a class 2 penalty category;
- any class 2 or class 3 violation for a second or greater infraction within a three-year period shall be increased to the next-highest penalty assessment category; and

Penalty Assessments

- each subsequent violation in a class 4 penalty category will result in an additional penalty of two hundred dollars (\$200).
- Multiple violations for the same incident shall be treated as a single event and shall not result in graduated penalties

Reminder on **Penalty assessment misdemeanors; option; effect.**

- A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice.

Reminder on Penalty assessment misdemeanors; option; effect.

- B. Except for penalty assessments made under a municipal program authorized by Section 66-8-130 NMSA 1978, payment of any penalty assessment must be **made by mail to the division within thirty days from the date of arrest**. Payments of penalty assessments are timely if postmarked within thirty days from the date of arrest. The division may issue a receipt when a penalty assessment is paid by currency, but checks tendered by the violator upon which payment is received are sufficient receipt.
- C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

PAs

- The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.
- When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor, and probation imposed upon a suspended or deferred sentence shall not exceed ninety days

Traffic Citations routing

- **Proper Copy to MVD (Not NMDGF)**
- **FOLLOW YOUR DEPT. POLICY**

Juvenile Review - Penalty Assessment Misdemeanors

- Consider Competency when issuing a Penalty Misdemeanor Citation to juveniles
- Case law and the legal standards defining adults' competency to stand trial are regularly applied to children (people under eighteen years' old). See, e.g. State v. Garcia, 128 N.M. 721; 2000 NMCA 14; 998 P.2d 186 (NMCA 2000); State v. Rotherham, 122 N.M. 246, 923 P.2d 1131(1996); In the Matter Of Daniel H., 133 N.M. 630, 68 P.3d 176 (NMCA 2003).

New Mexico standard for competency

- "A criminal defendant is **competent** to stand trial if he 'understands the nature and significance of the proceedings, has a factual understanding of the charges, and is able to assist his attorney in his defense. ' " Garcia, supra, and cases cited therein.
- This standard is applied to children in New Mexico.

Criminal Procedure – District Court Rule

5-602. Insanity; **incompetency**; lack of capacity.

- B. Determination of **competency** to stand trial.
- (1) The issue of the **defendant's competency** to stand trial **may be raised by motion**, or upon the **court's own motion**, at any stage of the proceedings.
- (2) The issue of the defendant's competency to stand trial shall be determined by the judge, unless the judge finds there is evidence which raises a reasonable doubt as to the defendant's competency to stand trial.

Court rule 5-602

- (a) If a reasonable doubt as to the defendant's competency to stand trial is raised prior to trial, the court shall order the defendant to be evaluated as provided by law. Within sixty (60) days after receiving an evaluation of the defendant's competency, the court, without a jury, may determine the issue of competency to stand trial; or, in its discretion, may submit the issue of competency to stand trial to a jury, other than the trial jury.
- (b) If the issue of the defendant's competency to stand trial is raised during trial, the trial jury shall be instructed on the issue. If, however, the defendant has been previously found by a jury to be competent to stand trial, the issue of the defendant's competency to stand trial shall be submitted to the trial jury only if the court finds that there is evidence which was not previously submitted to a jury which raises a reasonable doubt as to the defendant's competency to stand trial.
- (4) If the **finding of incompetency** is made during the trial, the court shall declare a **mistrial**.

If your Dept. doesn't have a clear Policy - How do **you decide**?

- Determine if the juvenile understands:
 - The PA Misdemeanor Charge and amount
 - The significance of their signature
 - The details of what is occurring



Recommendation of officer field assessment

FOLLOW YOUR DEPT POLICY!!!

- When in doubt here is a guide to assist officers in the field for assessing the juveniles understanding:
- Do you understand the violation you are being charged with?
- Do you understand what your signature means when signing a penalty assessment citation?
- Can you explain what just happened to your parents or others?
- What legal means do they have to pay this penalty assessment misdemeanor?



Juvenile Generalizations

- 14 YOA or older - normal, average ability to understand are viewed as competent to sign the penalty assessment citation.
- 11-13 YOA recommend test above.
- 10 YOA or younger, either issue a warning or offer the Penalty Assessment for the child through the parents or legal guardian.

Reminder

- If parent, guardian or custodian who **causes or knowingly permits** a child under the age of eighteen years to operate an off-highway motor vehicle in violation of the provisions, they can also be offered the Penalty Assessment Option.

Juvenile Jurisdiction and Responsibilities

- 32A-2-29. Motor Vehicle Code violations.
- A. The **municipal, magistrate or metropolitan court** shall have original exclusive jurisdiction over all Motor Vehicle Code or municipal traffic code violations when the person alleged to have committed the violation is a child, with the exception of those violations contained in Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 and all traffic offenses alleged to have been committed by the child arising out of the same occurrence pursuant to Subsection B of this section.
- B. If the court acquires jurisdiction over a child pursuant to any of those Motor Vehicle Code [66-1-1 NMSA 1978] violations contained in Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978, it shall have jurisdiction over all traffic offenses alleged to have been committed by the child arising out of the same occurrence.
- C. All traffic offenses which the child is found to have committed by the municipal, magistrate or metropolitan court or for which the child is adjudicated delinquent by the children's court shall be subject to the reporting requirements and the suspension and revocation provisions of the Motor Vehicle Code [66-1-1 NMSA 1978] and shall not be subject to the confidentiality provisions of the Delinquency Act [32A-2-1 NMSA 1978].
- D. **Only the children's court** may incarcerate a child who has been found guilty of any Motor Vehicle Code [66-1-1 NMSA 1978] or municipal traffic code violations.
- (History: 1978 Comp., 32A-2-29, enacted by Laws 1993, ch. 77, 58; 2003, ch. 225, 14.)

Child Safety Should be First

■30-6-1. Abandonment or abuse of a child.

Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

- placed in a situation that may endanger the child's life or health;
- exposed to the inclemency of the weather.

Inclemency means the quality of being severe or stormy; severe in temper or action.

Can you predict the weather in the mountains or fields of New Mexico? NO

Can you predict when the child will be picked up by parents or another designee? Not until you see them arrive.

Recommendation (dependant upon agencies policies)

■ Time Limitation

1) Officer Transport

Home or custody of designee

Protective Services, or

■ 2) Parent pickup

- Do not allow a juvenile to operate in unsafe manner (no helmet & eye protection, carrying passengers, no safety permit, etc.). **Don't cite and then let them continue being unsafe.**
- Do not leave a juvenile unattended.
- Do not leave a juvenile unattended.
- Do not leave a juvenile unattended.
- Do not leave a juvenile unattended.

Impoundment.



- Always follow your agencies allowances and restrictions.
- Towing vs. Owner/Parental Consent
- Contact owner/parents
- Try to let them determine if they will retrieve OHV and consent to responsibility of property
- If no consent of responsibility, then towing and impoundment is at owners expense and at agency/officer discretion due to assignments, emergency calls and scheduling.
- **Do not leave an OHV unattended -- owner or owner designee must pick it up or it must be towed.**

Enforcement Issues and Scenarios



Scenario

- An Officer sees an OHV being driven on private land. Does it have to be registered or permitted? **NO**
- Can any peace officer in New Mexico, upon displaying their badge of office, enforce the provisions of the Off-Highway Vehicle Act? **YES**

Scenario

- Prior to operating on public lands, a non-resident must obtain a 90-day or 2-year Off-Highway Vehicle permit for their OHV unless _____.
- A. It will only be operated on forest roads.
- B. The operator is an active member of a non-profit off-highway organization.
- C. It will only be used for retrieving legally taken game animals.
- D. The operator can provide proof of a current registration, user fee or something similar from another state.
- E. C & D only

CORRECT ANSWER D

Scenario

- In circumstances where an officer has reasonable suspicion to stop an OHV operator, the officer may require the operator to produce:
 - A. Any and all documents relating to the purchase and transportation.
 - B. Personal Identification.
 - C. Proof of successful completion of Off-highway vehicle safety course (if juvenile).
 - D. OHV registration or non-resident permit.
 - E. B, C & D

CORRECT ANSWER E

Scenario

Does an operator of an OHV have to possess a valid driver's license? **NO**

Does a 14 year old who has a valid motorcycle license and an OHV safety permit have to be visually supervised at all times by a parent, guardian or person over the age of 18 with a valid drivers license? **NO**

Scenario

OHV's are allowed to be operated adjacent to a highway if:

- A. An operator stays off the pavement.
- B. An operator goes less than 35 mph.
- C. An operator is participating in a legitimate activity like checking their mail.
- D. An operator is using a staging area that is located away from the actual site to ride or operate an OHV on public lands.
- E. C & D only

CORRECT ANSWER D

Scenario

It is legal to operate an OHV on a paved street or highway as long as the vehicle has lights and is registered?

No, however, agriculture exemption may apply, depending on county or city prohibitions.

Scenario

Do physical fit standards for juvenile ATV operators also have to be met regardless of whether the operator is in compliance with the engine size standards? Yes

Can a 15 year old who has a safety certificate but no driver's license operate an ATV that is 450cc in engine size? No

Scenario

Can a 17 year old with a valid driver's license and safety certificate have a passenger on his OHV? **NO**

Scenario

Any person on public land is prohibited from operating an OHV at a speed in excess of 10 miles per hour when they are within _____ of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling.

- A. 100 yards
- B. 100 feet
- C. 200 yards
- D. 200 feet
- E. 150 feet

CORRECT ANSWER D

Scenario

A person under the age of 10 cannot operate an ATV larger than _____ in engine size on public land.

- A. 100cc
- B. 150cc
- C. 250cc
- D. 300cc
- E. No limit to size

CORRECT ANSWER A

Scenario

Is it unlawful to operate an OHV on private land or a private road without permission of the landowner? **YES**

Is it a requirement to register or permit a Ranger or Rhino type vehicles prior to operating on public land under the OHV act? **YES**

Scenario

A person violating the prohibition of operating an OHV without an approved spark arrestor, could pay the fine or penalty assessment of _____ in rural counties of New Mexico.

- A. \$61.00
- B. \$91.00
- C. \$161.00
- D. \$501.00
- E. \$1000.00

CORRECT ANSWER C

Scenario

Is everyone, even juveniles, participating in agriculture activities exempt from registering their OHV or wearing protective gear? YES

It is allowable to operate an OHV on public land that produces sound at 98 decibels?

No, unless they are participating in agriculture.
The allowance is 96 or less

Is a juvenile riding with one of their parents required to wear a DOT approved helmet?

YES, unless they are participating in agriculture

Scenario

Does a snowmobile have to be registered or permitted for off-highway use if it is going to be used on public land in New Mexico?

Yes, unless it is being used
exclusively for agriculture

Scenario

It is unlawful under the Off-Highway Vehicle Act for the public to _____ livestock.

- A. Pursue
- B. Harass
- C. Negatively affect
- D. All of the above
- E. None of the above

CORRECT ANSWER D

Scenario

Is it allowable for a juvenile to take another person as a passenger on an ATV, if that person is teaching the juvenile operator to drive? **NO**

Scenario

A parent, guardian or custodian who causes or knowingly permits a juvenile to operate an off-highway motor vehicle in violation of the provisions of the Off-Highway Motor Vehicle Act is subject to _____.

- A. A fine
- B. A Penalty Assessment Citation
- C. Nothing, as they cannot be held accountable as they did not commit any crime
- D. A or B
- E. None of the above

CORRECT ANSWER D

Scenario

Under the Off-Highway Vehicle Act, it is unlawful for a person to _____ any official sign installed by a state, federal, local or private land management agency.

- A. destroy
- B. remove
- C. deface
- D. All of the above
- E. None of the above

CORRECT ANSWER D

Scenario

Is it unlawful under the Off-Highway Vehicle Act to operate an OHV anywhere it is prohibited by local, state, or federal rules, unless properly exempted? **YES**

Questions?

